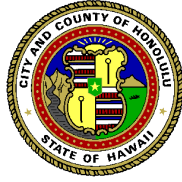


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: August 9, 2016
Standard Financial Plaza
Conference Room, Suite 211

Present: Hon. Victoria Marks (ret.), Chair
Michael Lilly, Esq., Vice Chair
Hon. Riki Amano (ret.), Commissioner
Stephen Silva, Commissioner
Peter S. Adler, Commissioner
Jan K. Yamane, Executive Director and Legal Counsel
Laurie A. Wong-Nowinski, Associate Legal Counsel
Geoffrey Kam, Deputy Corporation Counsel,
Department of the Corporation Counsel
Corey Lum, Civil Beat Cameraman
Natalie Iwasa, Member of the Public
Timothy J. Garry, Member of the Public and
Candidate for Mayor

Absent: Hon. Allene Suemori (ret.), Commissioner
Stanford Yuen, P.E., Commissioner

Stenographer: Lisa P. Parker, Legal Clerk III
Kristine Bigornia, Legal Clerk I

MINUTES OF THE AUGUST 9, 2016 OPEN SESSION MEETING

I. CALL TO ORDER

Chair Marks called the meeting to order at 11:00 a.m. and that for the record Commissioners Riki Amano, Steve Silva, Peter Adler, Mike Lilly, as well as herself were present.

Chair Marks stated that they were in attendance for an executive session meeting, and thereafter asked if anyone needed to testify.

Mr. Timothy Garry testified in regard to the complaint he filed against Mayor Caldwell on May 5, 2016. He informed the Commission that the ALC responded to his complaint via email the previous night and he had further discussed his complaint with her that morning.

Mr. Garry thanked the ALC for taking the time to speak with him about the status of his complaint. But he was not in agreement that his complaint should be closed. He requested that she conduct fact finding using the materials that were provided by Mr. Carroll Cox who had filed a similar complaint. He stated that he received permission from Mr. Cox to use the materials. He requested that if his complaint could not be re-opened, he wished to join in Mr. Cox's complaint against the Mayor.

Mr. Garry asked about the hiring of the Executive Director and wanted to know how many candidates were interviewed. He also asked if the Commission considered the Attorney General's investigation of the State Auditor's Office when they hired the new EDLC. Mr. Garry asked if there were any questions and then thanked the Commission.

Ms. Natalie Iwasa welcomed the ALC back and also welcomed Commissioner Adler. Ms. Iwasa was pleased that the Commission hired Ms. Yamane. Ms. Iwasa stated that she respected the work Ms. Yamane did as State Auditor. She especially appreciated the Auditor's Report on special funds. Ms. Iwasa expressed concern about a confidential investigation which was reported in the media several months ago with respect to the State Auditor. She expressed her belief that the lack of transparency would leave a cloud over the Commission, and people would appreciate disclosure of the subject matter of the investigation given the EDLC position and responsibilities. She contrasted the disclosure of the internal investigation of Chuck Totto and his separation agreement with respect to his role as EDLC which was publicized.

Chair Marks welcomed Peter Adler and thanked him for agreeing to be a volunteer on the Commission.

II. NEW BUSINESS

A. **For Action: Motion to Approve the Open Session Minutes of the August 1, 2016 Meeting.**

Chair Marks requested a motion to approve the Open Session Minutes of the August 1, 2016 meeting. Vice Chair Lilly so moved, Commissioner Silva seconded the Motion. Chair Marks asked if there was any discussion to be had. Hearing none, all commissioners were in favor with the exception of Commissioner Adler who abstained. (4Ayes, 0 Noes, 1 Abstention).

B. **For Action: Ratification of Hiring Jan Yamane for the Full-Time Position of the Executive Director and Legal Counsel.**

Chair Marks requested a motion to ratify the hiring of Jan Yamane for the full-time position as Executive Director and Legal Counsel. Vice Chair Lilly so moved,

Commissioner Amano seconded the Motion. Chair Marks asked if there was any discussion to be had. Hearing none, all commissioners were in favor with the exception of Commissioner Adler who abstained. (4 Ayes, 0 Noes, 1 Abstention).

Chair Marks asked for a motion to exit open session to go into executive session. **Commissioner Silva so moved, Commissioner Amano seconded, all were in favor and the motion passed unanimously.**

[All persons except for the Commissioners and EDLC left the meeting room.]

III. EXECUTIVE SESSION (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of the matters affecting privacy will be involved; HRS Section 92-5(a)(4), to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities; or HRS Section 92-5(a)(8) to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to state or federal law or court order.)

A. **For Action: Motion to Approve the Executive Session Minutes of the August 1, 2016 Meeting.**

Chair Marks requested a motion to approve the Executive Session Minutes of the August 1, 2016 meeting. **Commissioner Amano so moved, Commissioner Silva seconded the Motion. All Commissioners were in favor with the exception of Commissioner Adler who abstained. (4 Ayes, 0 Noes, 1 Abstention).**

Vice Chair Lilly moved to exit the executive session and go back into open session, Commissioner Amano seconded, and the Motion passed unanimously.

IV. ADJOURNMENT

Chair Marks asked for a motion to adjourn, Commissioner Amano so moved, Commissioner Adler seconded, all were in favor and the motion passed unanimously.

The meeting concluded at 12:07 p.m.